

HOGAN & HARTSON
L.L.P.

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March 14, 1996

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Ex Parte Presentation
MM Docket No. 92-266

Dear Mr. Caton:

On behalf of Courtroom Television Network, and pursuant to Section 1.1206 of the Commission's Rules, we enclose for filing two copies of an ex parte written submission made to the Commission today, in the referenced docketed proceeding.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

By Jeremy Miller
Robert Corn-Revere
Jeremy B. Miller

Attorneys for Courtroom Television
Network

Enclosures

cc: The Honorable Reed E. Hundt
Commissioner James H. Quello
Commissioner Andrew C. Barrett
Commissioner Susan Ness
Commissioner Rachelle B. Chong
Legal Advisor Jackie Chorney
Legal Advisor Maureen O'Connell
Legal Advisor Lisa B. Smith
Legal Advisor Mary P. McManus
Legal Advisor Suzanne Toller

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Practice Directories

Steven Brill
Chairman and
Chief Executive Officer

March 13, 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

Dear Mr. Caton:

The Courtroom Television Network ("Court TV") recently became aware that the Commission is considering addressing certain leased access issues at its meeting on March 21, 1996. We have learned that the Commission plans to reconsider previous orders regarding both the accessibility of leased access channels, as well as the formula for setting the maximum reasonable rate. Specifically, we have heard that the Commission will consider a new formula, that will result in sharply reduced rates for leased access channels. We urge the commission to refrain from imposing such a rate reduction, or at the very least, to permit interested parties to have input into the Commission's decisionmaking process.

Any sudden reduction in the leased access rate would undercut Congress' recent legislation that sought to increase competition and allow maturing cable networks like Court TV to continue to grow. As the Commission learned in the area of rate regulation, well-intended actions designed to benefit consumers can have unintended adverse effects if they are adopted without thorough analysis of the likely economic effects, or without consultation with the affected industries. Thus, after readjusting the rate regulation formula in 1994, the Commission issued new Going Forward rules, designed to address the resulting squeeze of limited channel capacity. The burden of the Commission's earlier decision fell with special force on new and growing networks, freezing them in their tracks.

A proposal to reduce leased access rates could lead to a repetition of this unfortunate history. A significant increase in the use of leased access

could force cable operators to remove existing services from their channel lineups, given the limited capacity available. This would undo established Commission policy, and would ill-serve consumers. Given the importance of this policy choice, the Commission should not precipitously adopt a new leased access rate formula until it thoroughly evaluates the consequences of its decision. Accordingly, the Commission should solicit comments from the affected industries before issuing any final rule.

We appreciate your careful consideration of our views and would welcome an opportunity to discuss them with you in greater detail.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Quello", written over the word "Sincerely,".

cc: Chairman Reed Hundt
Commissioner James Quello
Commissioner Andrew Barrett
Commissioner Susan Ness
Commissioner Rachelle Chong
Cable Advisor Jackie Chorney
Cable Advisor Maureen O'Connell
Cable Advisor Lisa Smith
Cable Advisor Mary McManus
Cable Advisor Suzanne Toller